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Filing date: **05/22/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91210447
Party	Defendant LABORATORIOS SALVAT, S.A.
Correspondence Address	MICHAEL J. STRIKER STRIKER, STRIKER & STENBY 103 E NECK RD HUNTINGTON, NY 11743-1567  striker@strikerlaw.com
Submission	Answer
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Signature	/Michael J. Striker/
Date	05/22/2013
Attachments	salvat.pdf(86156 bytes )

**UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE TRADEMARK TRIAL & APPEAL BOARD**

ALZA CORPORATION,	)	
	)	
Opposer,	)	
	)	
v	)	Opposition No. 91210447
	)	
LABORATORIOS SALVAT, S.A.,	)	
	)	
Applicant.	)	
_____	)	

**ANSWER TO NOTICE OF OPPOSITION**

May 22, 2013

Laboratorios Salvat, S.A. (hereinafter "Applicant") herewith answers the Notice of Opposition filed by Alza Corporation (hereinafter "Opposer") as follows:

1. Applicant admits the allegations set forth in the following paragraphs of the Notice of Opposition: Paragraph 4.

2. Applicant has insufficient information to form a belief as to the truth of the allegations set forth in the following paragraphs of the Notice of Opposition and therefore denies same and leaves opposer to strict proof thereof: Paragraphs 1, 2, 3, 5, 6, 7, 8, 9.

3. Applicant denies the following allegations of the Notice of Opposition: Paragraphs 10, 11, 12.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

Likelihood of confusion does not exist because the respective marks of the Applicant and the Opposer look and sound differently.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

Likelihood of confusion does not exist because of the substantial differences between the goods of the respective parties.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

Applicant herewith states that pursuant to 37 CFR Section 2.133(a) and 2.133(b), that it proposes to amend the Listing of Goods in Trademark Application Serial No. 85/686,365 to ear drops.

WHEREFORE, Applicant requests that this Opposition be dismissed in all respects.

Respectfully submitted,



Michael J. Striker  
Attorney for Applicant  
Reg. No.: 27233  
103 East Neck Road  
Huntington, New York 11743

CERTIFICATE OF SERVICE

It is hereby certified that a true and complete copy of the attached Answer to Notice of Opposition was mailed to counsel for the Opposer at their address of record:

Drinker Biddle & Reath, LLP  
1177 Avenue of Americas  
New York, NY 10036

Attention: Masahiro Noda

Dated: 5/22/13

  
\_\_\_\_\_  
Michael J. Striker